



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-670
Regulation Title:	Degree Requirements for Social Work/Social Work Supervision Classification
Action Title:	Periodic Review
Date:	August 14, 2002

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation makes it necessary for the Board to maintain minimum entrance performance standards in order for individuals to be evaluated for vacancies and/or promotions in the Service Program/Service Program Supervision classification series. For individuals employed in the Service Program/Service Program Supervision classification series prior to September 1, 1990, who do not meet the entrance performance standards, the provisions of this regulations allows these employees to be retained in their current classification or any lesser classification without having to meet the above requirements. This includes the same classification in another local agency. These individuals will be required to meet the requirements for application to any higher classification other than their current classification.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

§§63.1-25 and 63.1-26 of the Code of Virginia authorizes the State Board of Social Services to make rules and regulations and to establishment entrance and performance standards.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

A total of 18 comments were received. Seventeen of the 18 comments supported retaining the regulation. One of the 18 comments indicated that they could support only minor non-substantive changes, but was not specific on minor changes that would be supported. The comments for retaining the regulation included: (1) Assuring that the citizens of the Commonwealth and recipients of services are served by properly educated and trained professionals; (2) Professional credibility of staff to serve as expert witnesses during court proceedings; (3) Minimize legal consequences by having educated and qualified staff managing cases; (4) Professional credibility of staff to other state and human services agencies; (5) Properly education and training provides the essential knowledge, skills and abilities for staff to effectively administer complicated human services programs as well as manage increasing and difficult caseloads, legal issues, and mandated documentation; and (6) Recognizing Social Workers and Social Worker Supervisors as professionals promotes and supports effective recruitment, retention, and compensate of staff who provide direct human services to the public and interact with other human services agencies and organizations.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation is clear and specific in establishing minimum entrance performance standards. It is intended to recruit and retain professional level staff who are properly trained to effectively serve individuals, families, groups, communities and organizations, to protect the safety and welfare of vulnerable children and adults, and to assure credible and defensible case management decisions and representation in court proceedings.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

No alternative was offered or considered to achieve the purpose of the existing regulation. The current regulation offers the least burdensome alternative available for achieving its purpose.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

It is recommended that this regulation remain in effect without amendment.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation affects the citizens of the Commonwealth of Virginia and individuals who are recipients of service programs who interface with Social Workers and Social Worker Supervisors. Through effective counseling and implementing of service plans by qualified staff, the impact of the regulation strengthens the authority and rights of parents in the education, nurturing, and supervision of their children and encourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, and may strengthen marital commitment. The impact of the regulation encourages economic self-sufficiency, could result in increasing or decreasing disposable family income.